IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1603 OF 2005

Mr. Devi Prasad Budhia & Ors ...Petitioners

Versus

State of Maharashtra & Anr ...Respondents

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Mr. Vivek Sharma, Advocate for Petitioners

Ms V.M. Choudhari, Advocate for Respondent No.2.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 1ST JULY, 2005

P. C.:-

1. Heard both sides.

2. Though large number of prayers have been made in the present petition, the learned advocate for the petitioners states that he is only pressing one prayer i.e. quashing of the process issued against the petitioners by the learned Magistrate at Small Cause Court, Mumbai in C.C. No. 2601 of 2004. The said case is under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ petition is disposed of.

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